

## **REMARKS/ARGUMENTS**

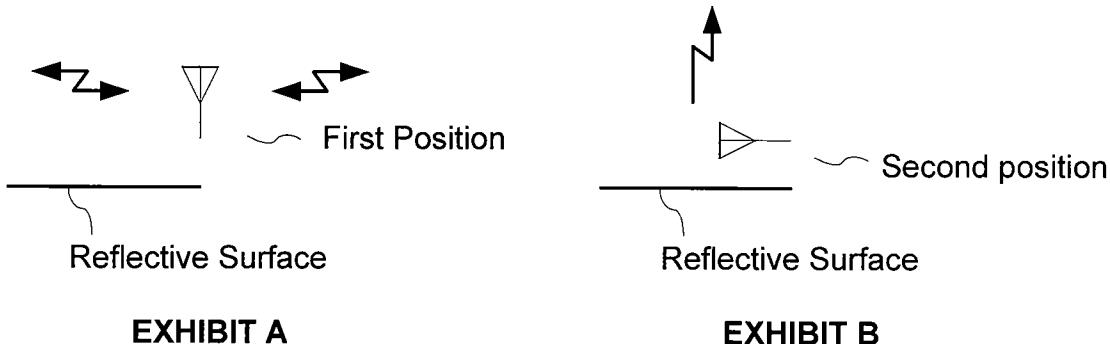
The Applicant acknowledges, with thanks, receipt of the Office Action mailed on December 7, 2007. This amendment is responsive to the December 7, 2007, Office Action.

In this amendment, independent claims 1 and 10 have been amended to recite that the antenna arrangement in the first position is perpendicular from the reflecting surface and that the antenna arrangement is parallel with the reflective surface while in the second operational position. This is not new matter as it is described in Figs. 1 and 2 of the original specification. Claim 16 was amended to change its dependency. Claims 6 and 15 have been canceled. Claims 28-31 are new. The subject matter of claims 28-31 is not new matter as it is described on page 7, lines 10-21 and page 8 line 21 – page 9 line 2 of the original specification. Reconsideration of this application as currently amended is now requested. The subject matter of new claim 32 is not new matter as it is described on page 5, line 18 – page 6, line 5 of the original specification.

### **Claim Rejections 35 U.S.C. § 103**

Claims 1-4, 6-13, 15-24, and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 7,233,627 to Proctor et al. (*hereinafter*, “Proctor”) in view of U.S. Patent No. 6,434,372 to Neagley et al. (*hereinafter*, “Neagley”). Withdrawal of this rejection is requested for reasons that will now be set forth.

Independent claims 1, 10 and 20, as currently standing, recite an antenna structure that while in a first position that is perpendicular to a reflective surface operates in an omnidirectional mode (see exhibit A below), and while in a second position that is parallel to the reflective surface operates in a directional mode (see Exhibit B below)



By contrast, Neagley is directed to a system with an energy transmitting base station and remote units that do not emit radiation, but use modulated reflector technology to convey information to the base station by attaching information to a carrier wave originating from the base station (col. 5, lines 20-28). The examiner relies on Neagley for teaching the antenna arrangement in the first position is substantially perpendicular with respect to the signal reflecting member (referring to col. 6, lines 14-23) and the antenna arrangement is substantially parallel with respect to the signal reflecting member while in the second position (referring to col. 11, lines 39-43). Neagley, however, uses a means (90) to rotate about an axis, it does not move from a first position that is perpendicular to the reflector to a second position that is parallel with the reflector. In fact col. 6, lines 14-23 of Neagley states that the "plane of the antenna must be aligned perpendicular to the direction of the incoming carrier wave," not to the reflecting surface. Col. 11, lines 39-43 merely state that the facets of the antenna illustrated in Fig. 4 are placed in 'parallel electrical connection with the other facets' which is not the same as orienting an antenna in parallel to a reflective surface. Therefore, Neagley does not teach or suggest each and every element of claims 1, 10 and 20.

The aforementioned deficiencies in Neagley are not remedied by any teaching of Proctor. As acknowledged by the examiner in the last office action, Proctor does not teach a signal reflecting member positioned to cooperate with the antenna arrangement while the antenna arrangement is in the second operational position, to establish a directional antenna mode configuration that is perpendicular to the signal reflecting member and a pivot member coupled

to the antenna arrangement for pivotally varying the antenna between the first and second operational positions (*see* paragraph bridging pages 3 and 4 of last Office Action). Therefore, neither Neagley nor Proctor, alone or in combination, teach or suggest each and every element of independent claims 1, 10 and 20. Therefore, independent claims 1, 10 and 20 are not obvious in view of Neagley and/or Proctor.

Claims 2-4, 6-9, 28-29 and 32 directly depend from claim 1, and therefore contain each and every element of claim 1 and consequently are not obvious in view of Neagley and/or Proctor for the reasons already set forth for claim 1. Claims 11-13, 16-19 and 30 directly depend from claim 10, and therefore contain each and every element of claim 10 and consequently are not obvious in view of Neagley and/or Proctor for the reasons already set forth for claim 10. Claims 21-24, 27 and 31 directly depend from claim 20, and therefore contain each and every element of claim 20 and consequently are not obvious in view of Neagley and/or Proctor for the reasons already set forth for claim 20.

In addition to the reasons set forth above, new claims 28-31 recite that the power level of the system is set based on the positional orientation of the antenna system. For example, the system operates at a first power level while in the first position and at a second power level while in the second position. Claim 29 further recites the second power level is higher than the first power level and claim 31 recites that the power level is automatically set to a lower level upon detecting by a switch that the antenna system moved from the second position to the first position. Nowhere does either Neagley or Proctor teach or suggest that power levels are a function of the position of the antenna system with respect to the reflective surface. Therefore, in addition to the reasons set forth above, neither Neagley and/or Proctor teach or suggest all of the elements of claims 28-31. Therefore, in addition to the reasons set forth above, claims 28-31 are not obvious in view of Neagley and/or Proctor.

### Conclusion

Withdrawal of the rejections to this application is requested for the reasons set forth herein and a Notice of Allowance is earnestly solicited. If there are any fees necessitated by the foregoing communication, the Commissioner is hereby authorized to charge such fees to our Deposit Account No. 50-0902, referencing our Docket No. 72255/00019.

Respectfully submitted,

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Larry B. Donovan  
Registration No. 47,230  
TUCKER ELLIS & WEST LLP  
1150 Huntington Bldg.  
925 Euclid Ave.  
Cleveland, Ohio 44115-1414  
**Customer No.: 23380**  
Tel.: (216) 696-3864  
Fax: (216) 592-5009